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Attorney for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA AT FAIRBANKS**

**ROBERT PROBERT and LORETTA E.**

**PROBERT**, and others similarly situated,

Plaintiffs,

vs.

**FAMILY CENTERED SERVICES OF  
ALASKA, INC. and DOES I to X**, (Managerial  
Employees Jointly Liable)

Defendants.

Case No. 4:07-cv-00030-RRB

**MOTION FOR ORDER FOR CLARIFICATION ON PROCEDURAL ISSUES  
CONCERNING STAY AND  
MOTION TO VACATE ORDER AT DOCKET 169**

Plaintiffs' Counsel has asked the Court for a Status Conference in regard to this issue. The Court appears to have instead issued its Order at Docket 173 saying its Order was actually done pursuant to Local Rule 59.1(d) (although the specific subsection under (d) is not cited).

*Probert, et. al. v. FCSA, et. al.  
Motion for Order for Clarification on Procedural Issues Concerning Stay  
And Motion to Vacate Order at Docket 169  
Case No. 4:07-cv-00030-RRB  
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Counsel is now and still confused as to what the Court is doing and might be considering. Counsel does not know if the Court is merely considering the Stay issue or is contemplating a consideration or reconsideration “of the merits or lack thereof” of the Motion to Dismiss Deborah Coxon.

If it is the latter, Plaintiff would like to have adequate time to read all the Pleadings carefully and file a thoughtful and a well-researched and well-written Opposition to Opposition to the Motion to Dismiss Coxon.

Counsel would not like to have such work be futile. The Court can clearly state what its intentions are and if the Court desires and thinks it is fair to hear from Plaintiff in regard to this issue, the Court can set up a briefing schedule. This might best be achieved through a Status Conference but might be achieved through an Order. (But, again this arguably involves discovery, the Court deciding other Motions in the matter, e.g. see Request for Status Conference Docket 171, 172 and issues concerning discovery and minimum wage violations).

Plaintiffs’ Counsel thanks the Court in advance for its clear and thoughtful response(s).

**RESPECTFULLY SUBMITTED** this 31st day of January, 2011, Fairbanks, Alaska.

LAW OFFICES OF KENNETH L. COVELL  
Attorney for the Plaintiffs

By:/s/ Kenneth L. Covell  
KENNETH L. COVELL  
ABA Bar No. 8611103

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing has been  
Served electronically, via ECF, to the following party(s):

John Foster Wallace

Richard D. Monkman

Dated: 01/31/2011

By: /s/ Camille De Santiago

Camille De Santiago for Kenneth L. Covell